IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Bail Appl..No. 7054 of 2006()

CR.NO.47/06 OF PATHANAMTHITTA EXCISE RANGE.

: PETITIONER/ACCUSED NO.2 IN C.R.NO.47/2006:

SUNNY, S/O.JOSEPH, AGED 37 YEARS,
RESIDING AT MADATHIL VEEDU, MEENKETTUKARAYIL,
PALLIVASSAL, NOW RESIDING AT KALINTHALEER HOUSE,
C/O.ROY, ARANMULA VILLAGE, KOZHENCHERRY TALUK.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENT: COMPLAINANT IN C.R.NO.47/2006

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION No.7054 OF 2006

DATED THIS THE 30th DAY OF NOVEMBER, 2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner who is the 2nd accused in C.R.No.47/06 of Pathanamthitta Excise Range for an offence punishable under Section 55(a)(1) of the Abkari Act, for having been found in possession of 19.5 litres of IMFL in 29 bottles, 10 litres of coloured arrack and 39 bottles of beer on 25.10.2006, seeks his enlargement on bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting, inter alia that the petitioner is an accused in another case involving similar offence.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioners on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-